



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,891	01/16/2002	Samuel L. Ingalls	040898004US	7918
25096	7590	06/15/2005	EXAMINER	
PERKINS COIE LLP			MAI, TRI M	
PATENT-SEA			ART UNIT	
P.O. BOX 1247			PAPER NUMBER	
SEATTLE, WA 98111-1247			3727	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

91

Office Action Summary	Application No. 10/051,891	Applicant(s) INGALLS, SAMUEL L.	
	Examiner Tri M. Mai	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15-22 and 99-105 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-12, 15-21 and 99-103 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 13, and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the triple wall corrugated material in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3727

3. Claims 4, 7, 10, and 105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

First, second, third, and fourth plies are double inclusion of previously recited elements. Similar issues lies with claims 7, 10, 105.

4. Claims 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by McFarland. McFarland teaches a fist laminate having two score lines, and the second laminate having two score lines.

5. Claims 2-5, 8, 15-17, 19, 21, and 99 are rejected under 35 U.S.C. 102(b) as being anticipated by Shuert (5279423). Shuert teaches outer laminate having first and second outer panel, and an inner laminate with third and four score lines as claimed as shown in Figs. 15 and 16. It is noted that the offset distance in the outer laminate has a range from the two intersections between portions 100f and flat portion 100j to 100e and portions 100b, and the second offset distance in the inner laminate can extend form the two intersections between portions 100h and the flat portion 100k to the two intersections between portions 100g and the flat portions 100d. The claims does not require at what specific location between the fold lines to be the offset distance. Each fold line in Shuert has a width and the offset distance can be varied.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuert in view of McFarland. It would have been obvious to one of ordinary skill in the art to provide triple wall corrugated paperboard to provide added strength.

7. Claims 3, 4, 6-12, 15, 18-21, and 99-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland et al. (4693413) in view of either Shuert or Baker. McFarland

Art Unit: 3727

teaches two layers on the outer laminate and four layers in the inner laminate with offset distances as claimed. McFarland meets all claimed limitations except for the two plies being reduced in the fold lines. Shuert teaches that it is known in the art to provide fold lines that extends more than one layer. It would have been obvious to one of ordinary skill in the art to provide the fold lines that would extend more than one layer to allow folding easily.

Alternatively, Baker teaches that it is known in the art to provide compression fold lines that would allow the reduction of more than two layers. It would have been obvious to one of ordinary skill in the art to provide fold lines that would extend more than one layer to allow folding easily.

Regarding claims 10 and 11, it would have been obvious to one of ordinary skill in the art to provide the distance in the claimed dimension to provide the desired length of the offset distance.

Regarding claim 103, it would have been obvious to one of ordinary skill in the art to use double wall corrugated paperboard in McFarland as taught by Shuert to provide the desired corrugated material for the container.

Regarding claim 105, it would have been obvious to one of ordinary skill in the art to provide the three plies being compressed on the inner layer as taught by Shuert to provide added strength.

8. Claims 9, 10, 21, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuert (5279423). It would have been obvious to one of ordinary skill in the art to provide the distance in the claimed dimension to provide the desired length of the offset distances.

Art Unit: 3727

9. Applicant's arguments have been fully considered but they are not persuasive. The amended claims fails to read over the McFarland and Shuert references. As set forth above, each fold line in Shuert has a width and the offset distance between the fold lines can be varied. With respect to the rejection of McFarland in view of Shuert or Baker, Shuert teaches that it is known in the art to provide fold lines that extends more than one layer. It would have been obvious to one of ordinary skill in the art to provide the fold lines that would extend more than one layer to allow folding easily. Alternatively, Baker teaches that it is known in the art to provide compression fold lines that would allow the reduction of more than two layers. It would have been obvious to one of ordinary skill in the art to provide fold lines that would extend more than one layer to allow folding easily.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would recognize the combinations are obvious as set forth above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3727

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

